

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # 6

Vincent R. Terio

USCA NO. 07cv5507 *File IN*

SDNY NO. 07cv5508

JUDGE: KMW

DATE: 7/2/2007

-v-

Carlin et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) Nezam D.
FIRM APPEALS SECTION
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500 PEARL STREET, NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 2nd Day of July, 2007.

**United States District Court for
the Southern District of New York**

Vincent R. Terio

-v-

Carlin et al

Date: 7/2 / 2007

U.S.C.A. # _____

07cv5507

U.S.D.C. # 07cv5508

D.C. JUDGE KMW

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2nd Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 231st year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, CLOSED, LEAD

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-05507-KMW
Internal Use Only

Terio v. Carlin et al
Assigned to: Judge Kimba M. Wood
Demand: \$230,000
Member case: (View Member Case)
Cause: 28:1331 Fed. Question: Other

Date Filed: 06/11/2007
Date Terminated: 06/11/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

| Date Filed | # | Docket Text |
|------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/11/2007 | <u>1</u> | DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent R. Terio.(laq) (Entered: 06/22/2007) |
| 06/11/2007 | <u>2</u> | COMPLAINT against William J. Carlin, Gary M. Ritchie. Document filed by Vincent R. Terio.(laq) (Entered: 06/22/2007) |
| 06/11/2007 | | Magistrate Judge James C. Francis is so designated. (laq) (Entered: 06/22/2007) |
| 06/11/2007 | <u>3</u> | ORDER OF DISMISSAL.,,I consolidate these two actions (1:07-cv-5507 & 1:07-cv-5508), grant plaintiff's applications to proceed in forma pauperis, and dismiss the actions as barred by the doctrine of res judicata. Accordingly, the two actions are dismissed sua sponte because they fail to state a claim on which relief may be granted. 28 U.S.C.1915(e)(2)(B)(ii). Plaintiff is hereby warned that should he continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/07) (laq) (Entered: 06/22/2007) |
| 06/11/2007 | <u>4</u> | JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/07) (laq) (Entered: 06/22/2007) |
| 06/21/2007 | <u>5</u> | NOTICE OF APPEAL from (4 in 1:07-cv-05507-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-05508-KMW). Document filed by Vincent R. Terio. Filed In Associated Cases: 1:07-cv-05507-KMW, 1:07-cv-05508-KMW(tp) (Entered: 07/02/2007) |
| 06/21/2007 | | Appeal Remark as to (5 in 1:07-cv-05507-KMW) Notice of Appeal filed by Vincent R. Terio Filed In Associated Cases: 1:07-cv-05507-KMW, 1:07-cv-05508-KMW(tp) (Entered: 07/02/2007) |
| 07/02/2007 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: (5 in 1:07-cv-05507-KMW) Notice of Appeal. Filed In Associated Cases: 1:07-cv-05507-KMW, 1:07-cv-05508-KMW(tp) (Entered: 07/02/2007) |
| 07/02/2007 | | Transmission of Notice of Appeal to the District Judge re: (5 in 1:07-cv-05507-KMW) Notice of Appeal. Filed In Associated Cases: 1:07-cv-05507-KMW, 1:07-cv-05508-KMW(tp) (Entered: 07/02/2007) |

APPEAL, CLOSED, MEMBER

U.S. District Court
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| 06/11/2007 | | Magistrate Judge Andrew J. Peck is so designated. (laq) (Entered: 06/22/2007) |
| 06/11/2007 | <u>3</u> | DUPLICATE ORDER OF DISMISSAL,,,I consolidate these two actions (1:07-cv-5507 & 1:07-cv-5508), grant plaintiff's applications to proceed in forma pauperis, and dismiss the actions as barred by the doctrine of res judicata. Accordingly, the two actions are dismissed sua sponte because they fail to state a claim on which relief may be granted. 28 U.S.C.1915(e)(2)(B)(ii). Plaintiff is hereby warned that should he continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/07) (laq) (Entered: 06/22/2007) |
| 06/11/2007 | <u>4</u> | JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/11/07) (laq) (Entered: 06/22/2007) |
| 06/11/2007 | | CONSOLIDATED MEMBER CASE: Create association to 1:07-cv-05507-KMW.. (laq) (Entered: 06/22/2007) |
| 06/21/2007 | | NOTICE OF APPEAL from (4 in 1:07-cv-05507-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-05508-KMW). Document filed by Vincent R. Terio. Filed In Associated Cases: 1:07-cv-05507-KMW, 1:07-cv-05508-KMW(tp) Modified on 7/2/2007 (tp). (Entered: 07/02/2007) |
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